

Amendments to House Bill No. 594
1st Reading Copy

Requested by Representative Ray Shaw

For the House State Administration Committee

Prepared by Sheri Scurr
March 26, 2015 (8:19am)

1. Page 1, line 15.

Following: "law;"

Insert: "and"

2. Page 1, line 18 through line 22.

Strike: line 18 through line 22 in their entirety

Insert: "(2) The commissioner may dismiss a complaint as frivolous based on an application of one or more of the standards in subsection (1).

(3) The party against whom a complaint was filed may, after a dismissal of the complaint as frivolous, file a sanction request with the commissioner seeking from the complainant payment of the commissioner's reasonable expenses, including attorney fees, caused by the filing of the frivolous complaint. The sanction request must be filed within 30 days of the date of the commissioner's dismissal of the frivolous complaint. On the filing of the sanction request, the commissioner shall set a briefing schedule and a hearing date. After the hearing, the commissioner shall issue a sanction decision on whether or not a sanction of reasonable expenses, including attorney fees, is warranted. In making this sanction decision, the commissioner shall apply a follow the standards of Rule 11 of the Montana Rules of Civil Procedure.

(4) The commissioner's sanction decision under subsection (3) may be enforced or appealed by either party in a civil action filed with the district court in the first judicial district. The enforcement or appeal must be filed with the district court within 60 days after the date of the commissioner's signature on the sanction decision. If the sanction decision is appealed, the commissioner's sanction decision must be treated the same as a final order in a contested case proceeding under the Montana Administrative Procedure Act. If an enforcement action is filed, the district court shall give the sanction decision the same status as a judgment in district court."

- END -